

## REMARKS

Claims 1-58 were pending prior to this response. No claims have been currently cancelled, amended or withdrawn. Accordingly, claims 1-67 are currently pending.

### The Response to the Restriction Requirement

The Office Action alleges that the claims pertain to nine distinct inventions and restriction to one of the allegedly distinct inventions is required under 35 U.S.C. § 121. Accordingly, in response to the Restriction Requirement, Applicants elect prosecution of the claims of Group I, claims 2-29 and 34, drawn to a bioactive implantable stent and at least one bioactive agent. The Group I invention reads on claims 1-29 and 34.

In addition, the Restriction Requirement alleges that the Group I claims apply to multiple species of bioactive agents (see Claims 6-11) and to various types of linkers (see Claims 16-18) (Office Action, page 7). Applicants are required to elect a single disclosed species of bioactive agent and of linker for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently claims 1-5, 12-15, 19 and 34 are designated as generic.

Accordingly, in response to the Restriction Requirement, Applicants elect “aminoxyls” (claim 6) as the species of bioactive agent and “a polypeptide of 2 to about 25 amino acids” (claim 17) as the species of linker for prosecution on the merits. Accordingly, Applicants submit that Group I claims 1-6 12-15, 17, 19 and 39 read on the elected species. If a generic claim is held to be allowable, Applicants request prosecution of all presently pending Group I claims.

### **Rejoinder of Process Claims**

Applicants note the Office Action states that if the elected product claims are found allowable, process claims that contain the limitations of an allowable product claim for that process invention may be rejoined, if such process claims have been amended during prosecution to require all the limitations of the product claims (Office Action page 8).

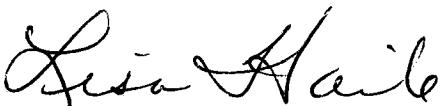
In re Application of:  
Carpenter et al.  
Application No.: 10/788,747  
Filed: February 26, 2004  
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In view of the above remarks, Applicants request examination of the elected claims. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned representative so that a prompt disposition of this application can be achieved.

No fee is believed due in connection with this Response to Restriction Requirement. If there is any fee due, the Commissioner is hereby authorized to charge any additional fees required by this submission, or make any credits or overpayments, to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,

  
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